

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 049441/0124

In re patent application of:

Masaru KATO, et al.

Serial No.: 09/695,423

Filed: October 25, 2000

For: NOVEL TRANSFERASE AND AMYLASE, PROCESS FOR PRODUCING THE
ENZYMES, USE THEREOF, AND GENE CODING FOR THE SAME

Group Art Unit: 1652

Examiner: M. Rao



RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated January 9, 2002, applicants hereby elect, with traverse, the claims of Group I, claims 25-37 and 123-128, for prosecution in the subject application. A response is due on February 9, 2002, a Saturday, thus making the timely response date, Monday, February 11, 2002, which is within the statutory period. It is believed that no fee is due, but should a fee be due, please consider this paragraph such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.18 from Account No. 19-0741.

REMARKS

Applicants note that the Office Action recites that claims 25-43 and 70-149 are pending in the application, however, in the breakout of the alleged different inventions into seven groups, claims 76-85 and 147 have not been placed into any of the seven groups. Claims 1-24 and 44-69 were previously canceled.

In regard to the restriction of the claims in Groups I and VI, the Examiner states that "[t]he polypeptides of group I and IV and the polynucleotides of groups III and VI, each comprise amino acid sequences and nucleotides sequences which are chemically unrelated, do not require each other for practice, have separate utilities, such as use of group I polypeptide to catalyze an amylase reaction...versus the use of polynucleotides in a hybridization reaction..." Based upon this premise, the Examiner contends that the groups have acquired separate status in the art and separate fields of search.

Applicants respectfully traverse the Examiner's position. The claims of Group I are directed to an amylase and the claims of Group VI are directed to a DNA sequence encoding

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